

(c) *The court shall consider the following in determining the amount of the penalty:*

(1) *the person's history of any previous offenses under Section 484.002 or under Section 32.42(b)(4), Penal Code, relating to the sale of a mislabeled abusable synthetic substance;*

(2) *the seriousness of the offense;*

(3) *any hazard posed to the public health and safety by the offense; and*

(4) *demonstrations of good faith by the person charged.*

(d) *Venue for a suit brought under this section is in the city or county in which the offense occurred or in Travis County.*

(e) *A civil penalty recovered in a suit instituted by a local government under this section shall be paid to that local government.*

Sec. 484.004. AFFIRMATIVE DEFENSE. *It is an affirmative defense to prosecution or liability under this chapter that:*

(1) *the abusable synthetic substance was approved for use, sale, or distribution by the United States Food and Drug Administration or other state or federal regulatory agency with authority to approve the substance's use, sale, or distribution; and*

(2) *the abusable synthetic substance was lawfully produced, distributed, sold, or offered for sale by the person who is the subject of the criminal or civil action.*

Sec. 484.005. NO DEFENSE. *In a prosecution or civil action under this chapter, the fact that the abusable synthetic substance was in packaging labeled with "Not for Human Consumption," or other wording indicating the substance is not intended to be ingested, is not a defense.*

SECTION 2. This Act takes effect September 1, 2015.

Passed the Senate on March 24, 2015: Yeas 31, Nays 0; passed the House on May 19, 2015: Yeas 145, Nays 0, one present not voting.

Approved May 28, 2015.

Effective September 1, 2015.

BUILDING CODE REQUIREMENTS FOR RESIDENTIAL PROPERTY INSURED BY THE TEXAS WINDSTORM INSURANCE ASSOCIATION

CHAPTER 188

S.B. No. 498

AN ACT

relating to building code requirements for residential property insured by the Texas Windstorm Insurance Association.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 2210.251(f), Insurance Code, is amended to read as follows:

(f) Notwithstanding any other provision of this section, insurance coverage for a residential structure may be issued or renewed through the association subject to the inspection requirements imposed under Section 2210.258, if applicable. ~~[This subsection expires December 31, 2015.]~~

SECTION 2. Sections 2210.258(a) and (c), Insurance Code, are amended to read as follows:

(a) Except as provided by Subsection (c) ~~[and Section 2210.2581]~~ and notwithstanding any other provision of this chapter, to be eligible for insurance through the association,

all construction, alteration, remodeling, enlargement, and repair of, or addition to, any structure located in the catastrophe area that is begun on or after the effective date of Sections 5 through 49, H.B. [No.] 4409, [Acts of the] 81st Legislature, Regular Session, 2009, must be performed in compliance with the applicable building code standards, as set forth in the plan of operation.

(c) The association may insure a residential structure constructed, altered, remodeled, enlarged, repaired, or added to on or after June 19, 2009, that is not in compliance with the applicable building code standards, as set forth in the plan of operation, provided that:

(1) the structure had been insured on or after June 19, 2009, by an insurer in the private market that canceled or nonrenewed the insurance coverage of the structure [before December 31, 2015];

(2) the applicant provides to the association proof that insurance coverage that was issued to the applicant or the previous insured for the structure was canceled or nonrenewed in the private market as described by Subdivision (1); and

(3) no construction, alteration, remodeling, enlargement, or repair of, or addition to, the structure occurred after cancellation or nonrenewal of the coverage and before submission of an application for coverage through the association.

SECTION 3. Section 2210.2581, Insurance Code, is repealed.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed the Senate on April 21, 2015: Yeas 24, Nays 6; passed the House on May 18, 2015: Yeas 106, Nays 29, one present not voting.

Approved May 28, 2015.

Effective May 28, 2015.

INDEXING OF CORRECTION INSTRUMENTS IN A COUNTY INDEX TO REAL PROPERTY RECORDS

CHAPTER 189

S.B. No. 584

AN ACT

relating to the indexing of correction instruments in a county index to real property records.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 193.003, Local Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) The county clerk shall maintain *an* [a well-bound] alphabetical index to all recorded deeds, powers of attorney, mortgages, *correction instruments*, and other instruments relating to real property. The index must state the specific location in the records at which the instruments are recorded.

(b) The index must be a cross-index that contains the names of the grantors and grantees in alphabetical order. If a deed is made by a sheriff, the index entry must contain the name of the sheriff and the defendant in execution. If a deed is made by an executor, administrator, or guardian, the index entry must contain the name of that person and the name of the person's testator, intestate, or ward. If a deed is made by an attorney, the index entry must contain the name of the attorney and the attorney's constituents. If a deed is made by a commissioner or trustee, the index entry must